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Attorneys for Non-Party Dario Amodei

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPENAI CHATGPT LITIGATION

IN RE MOTION TO COMPEL COMPLIANCE
WITH NON-PARTY SUBPOENAS

In the Matter of

AUTHORS GUILD, *et al.*, individually and on
behalf of others similarly situated,

Plaintiffs,

v.

OPENAI INC., *et al.*,

Defendants.

Case No. 3:23-cv-03223-AMO

**NON-PARTY DARIO AMODEI'S
NOTICE OF ADMINISTRATIVE
MOTION AND ADMINISTRATIVE
MOTION REQUESTING LEAVE TO
FILE [PROPOSED] SUR-REPLY IN
FURTHER OPPOSITION TO
MOTION TO COMPEL**

Misc. Case No. 3:25-mc-80017-AMO

Underlying Litigation: *Authors Guild, et al.*
v. OpenAI, et al., 1:23-cv-0822-SHS
(S.D.N.Y.)

Pursuant to Local Rule 7-3(d) and in response to Plaintiffs' reply briefs in support of Plaintiffs' Motions to Compel the Deposition of Dario Amodei,¹ non-party Dario Amodei respectfully submits the following Administrative Motion Requesting Leave to File a [Proposed] Sur-Reply in Further Opposition to Plaintiffs' Motion to Compel (the "[Proposed] Sur-Reply").

The [Proposed] Sur-Reply is attached hereto as **Exhibit A**. The proposed sur-reply is supported by the Declaration of Assad H. Rajani, attached hereto as **Exhibit B**, and a copy of a rough deposition transcript of Benjamin J. Mann, attached to said Declaration as **Exhibit 1**.

On February 14, 2025, Mr. Amodei filed his Opposition to Plaintiffs' Motions to Compel the Deposition of Dario Amodei. (*In re OpenAI*, ECF No. 330; *Authors Guild*, ECF No. 13). On February 24, 2025, Plaintiffs filed their Replies in Support of the Motion to Compel. (*In re OpenAI*, ECF No. 350; *Authors Guild*, ECF No. 17). Since then, there has been one material factual development relevant to the motion to compel deposition testimony. On March 3, 2025, Benjamin J. Mann, another non-party witness, was deposed in the *In re OpenAI* and *Authors Guild* cases. As explained in the sur-reply, Mr. Mann's testimony covers in detail the subject matter for which Plaintiffs were seeking testimony from Mr. Amodei. Further, the substance of Mr. Mann's testimony establishes that a deposition of Mr. Amodei would be unnecessarily cumulative and of limited value.

Accordingly, Mr. Amodei respectfully requests this Court grant leave to file a brief Sur-Reply in further support of Non-Party Dario Amodei's Opposition to Plaintiffs' Motion to Compel.

Dated: March 3, 2025

By: /s/ Assad H. Rajani
ASSAD H. RAJANI

ARNOLD & PORTER KAYE SCHOLER LLP

Attorneys for Non-Party Dario Amodei

¹ The Plaintiffs refer to two related actions, *In re OpenAI ChatGPT Litigation*, Case No. 3:23-cv-03223-AMO ("*In re OpenAI*") and *Authors Guild, et al. v. OpenAI Inc., et al.*, Misc. Case No. 3:35-mc-80017-AMO ("*Authors Guild*").